

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014120610

v.

SAN RAMON VALLEY UNIFIED SCHOOL
DISTRICT AND SELPA,

SAN RAMON VALLEY UNIFIED SCHOOL
DISTRICT AND SELPA,

OAH Case No. 2014120610

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On December 31, 2014, San Ramon Valley Unified School District and SELPA filed a motion to continue the prehearing conference and due process hearing on the basis that San Ramon's attorney and a key witness were unavailable for the scheduled hearing dates. Currently, the due process hearing is scheduled to begin on January 14, 2014. On January 5, 2015, Student's advocate, Dr. Robert Closson, filed a written opposition to San Ramon's motion.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged

in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

San Ramon has established good cause to continue the hearing and the motion is granted. All dates are vacated. This matter will be set as follows:

Telephonic PHC:

Date: March 30, 2015

Time: 10:00 a.m.

Due Process Hearing:

Date: April 7, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

Time: 9:30 a.m. on April 7, 2015 and 9:00 a.m. each day thereafter, Monday through Thursday, unless otherwise ordered.

4. Notice to Witnesses: The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing good cause to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

5. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the PHC on March 6, 2015.

6. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal and the signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

DATE: January 5, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings